



Docket Number ET98-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jeffrey Conklin et al  
Group Art Unit: 2785  
Serial No. 09/192,735  
Examiner:  
Filed: 11/16/98  
For: System for Iterative, Multivariate Negotiations Over a Network

Assistant Commissioner for Patents  
Washington, D. C. 20231

INFORMATION DISCLOSURE STATEMENT

The following sections are being submitted for this Information Disclosure  
Statement:

1. Preliminary Statements
2. Form PTO-1449 (Modified)
3. Identification of person making this Information Disclosure Statement
4. Copies of Listed Information Items Accompanying this Statement.

EXPRESS MAIL CERTIFICATE

Express Mail Label Number EJ342805886US Date of Deposit 6/8/99. I hereby certify  
that this correspondence is being deposited with the United States Postal Service "Express Mail Post  
Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the  
Assistant Commissioner of Patents, Washington, D.C. 20231.

*Maureen Stretch*

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**1. Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**3. Identification of Person making this Information Disclosure Statement**

The person making this statement is

(a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
Signature of Inventor


\_\_\_\_\_  
Typed name of Inventor who is signing

(b) ☒ the attorney who signs below on the basis of:

☒ the information supplied by the inventor(s)

☐ an individual associated with the filing and prosecution of this application (37 CFR 1.56(c))

☒ the information in the attorney's file

  
\_\_\_\_\_  
Signature of Attorney

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Over a Network  
Docket Number: ET98-001

DISCUSSION OF REFERENCES CITED

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attention: PATENTS

Dear Sir:

With reference to the PTO Form 1449(Modified) of the attached Information  
Disclosure Statement and Petition to Make Special, please note the following  
discussion with respect to these items:

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I hereby certify that this correspondence is being deposited with the United States Postal Service  
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addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

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PATENT NUMBER	ISSUE DATE	PATEN- TEE	DISCUSSION
5,794,207	8/11/98	Walker et al	Walker discloses and claims a system for proposing a binding conditional purchase order (CPO) with several terms to potential sellers. One or more sellers can log onto a central site to review these buyer CPO's. A seller can accept one and form a contract. A seller also has the option to propose a counteroffer with different terms which the buyer can bind to or not. However, Walker does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller. Walker more closely resembles a bidding system with a limited counteroffer capability.
5,671,279	9/23/97	Elgamal	Elgamal discloses and claims a secure courier system for enabling payment over a public network. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,677,955	10/14/97	Doggett et al	Doggett discloses a method for handling the verification of electronic funds transfers. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.

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PATENT

5,757,917	5/26/98	Rose et al	Rose discloses and claims a system for arranging for secure payments for goods purchased over a network. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over the terms between a buyer and seller.
5,253,165	10/12/93	Leiseca et al	Leiseca discloses and claims a computerized reservation and scheduling system. The basic system matches requested space and rates with available space and rates from transport providers. The system permits the parties to negotiate outside the system through email or telephone about space or services that may be available, but it does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,732,400	3/24/98	Mandler et al	Mandler discloses and claims a financial clearinghouse that allows a seller to assess the credit risks of potential buyers. If the seller finds the credit acceptable, the system in Mandler will transmit payments to the seller and invoices to the buyer. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over the terms between a buyer and seller.

5,666,420	9/9/97	Micali	Micali discloses and claims secure ways to conduct simultaneous electronic transactions, such as a simultaneous exchange of funds. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,305,200	4/19/94	Hartheimer et al	Hartheimer discloses and claims a system for electronic recovery and rollback security for an automated trading system. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over the terms between a buyer and seller.
5,629,982	5/13/97	Micali	Micali discloses and claims additional secure ways to conduct simultaneous electronic transactions, such as a simultaneous exchange of funds. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,715,314	2/3/98	Payne et al	Payne describes a system for purchasing goods from an online catalog, but no negotiation of terms or prices is enabled. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.

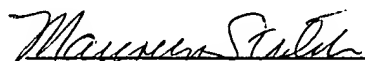
5,809,144	9/15/98	Sirbu et al	Sirbu is directed primarily to transactions involving digital goods, such as software or digitally encoded data, such as movies or books in encoded form. It allows iterative negotiation of price, but not of any other terms. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,802,497	9/1/98	Manasse	Manasse discloses and claims a method for conducting computerized electronic funds transfer using scrip, instead of currency. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
4,799,156	1/17/89	Shavit et al	Shavit describes a procurement function which allows a buyer to send out a request for quotation (RFQ) to a seller. The seller can send a bid, which the system will forward to the buyer. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.



5,557,518	9/17/96	Rosen	Rosen discloses and claims a system for secure electronic funds transfer using trusted agents and secure network sessions. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,790,677	8/4/98	Fox et al	Fox discloses and claims a system for secure commerce document transfers. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.

Date: June 8, 1999

Respectfully submitted,



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